

MOSES & SINGER LLP
Abraham Y. Skoff, Esq. (AS-5330)
Robert D. Lillienstein, Esq. (RL-4585)
405 Lexington Avenue
New York, New York 10174
(212) 554-7800 (telephone)
(212) 554-7700 (facsimile)

*Attorneys for Defendants MBF Leasing, LLC,
Lina Kravic, Brian Fitzgerald, and Sam Buono*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RHONDA GARNER D/B/A DÉCOR
SPECIALTIES, ON BEHALF OF HERSELF AND
ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

-v.-

MBF LEASING, LLC, LINA KRAVIC, BRIAN
FITZGERALD, SAM BUONO, AND WILLIAM
HEALY,

Defendants.

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07 CV 5607 (CM) (RLE)


**NOTICE OF MOTION OF
DEFENDANT MBF LEASING,
LLC, LINA KRAVIC, BRIAN
FITZGERALD, AND SAM
BUONO TO DISMISS THE
AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of Abraham Y. Skoff, dated April 9, 2008, together with the Exhibits annexed hereto, including the Amended Class Action Complaint, dated November 15, 2007 (the "Amended Complaint"), and upon the pleadings and prior proceedings had herein, defendants MBF Leasing, LLC, Lina Kravic, Brian Fitzgerald and Sam Buono, hereby move this Court, before the Honorable Colleen McMahon, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, located at 500 Pearl Street, New York, New York 10007, for an order:

(a) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint on the ground that the Amended Complaint fails to state a claim against the moving defendants upon which relief may be granted, and for such further relief as this Court deems just and proper.

Dated: April 9, 2008
New York, New York

MOSES & SINGER LLP
Attorneys for Defendants MBF Leasing, LLC, Lina Kravic, Brian Fitzgerald, and Sam Buono

By: 
Abraham Y. Skoff, Esq. (AS-5330)
Robert D. Lillienstein, Esq. (RL-4585)
405 Lexington Avenue
New York, New York 10174
(212) 554-7800 (telephone)
(212) 554-7700 (facsimile)
askoff@mosessinger.com
rlillienstein@mosessinger.com

TO:

CHITTUR & ASSOCIATES, P.C.
286 Madison Avenue Suite 1100
New York, New York 10017

AND

LOCKS LAW FIRM, PLLC
Seth R. Lesser, Esq.
110 East 55th Street
12th Floor
New York, New York 10022

Attorneys for Plaintiffs and the Class